

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David K. KOVALIC *et al.*

Appln. No.: 10/767,701

Filed: January 29, 2004

For: Recombinant Polypeptides Associated with Plants

Conf. No.: 6459

Art Unit: 1631

Examiner: Shubo ZHOU

Atty. Docket: 16517.311

Request for Correction of Inventorship under 37 C.F.R. § 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

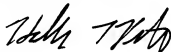
Dear Sir:

The declaration in the above-referenced nonprovisional application has been amended to reflect additional priority information for the application and to add inventors that were inadvertently not named in the application.

Therefore, it is hereby requested that Scott ANDERSEN, Michael EDGERTON, and Jingdong LIU be added as inventors for Application No. 10/767,701, by (1) the filing of this Request; (2) a statement from each inventor being added that the inventorship error occurred without deceptive intention on his or her part; (3) payment of the appropriate \$130.00 fee; and (4) a declaration by the actual inventors as required by 37 C.F.R. § 1.63.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment including fees for required extensions of time, to our Deposit Account No. 50-2387, referencing docket number 16517.311. A duplicate copy of this Petition is enclosed.

Respectfully submitted,



Holly Logue Prutz (Reg. No. 47,755)
David R. Marsh (Reg. No. 41,408)

Date: May 25, 2007

ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, D.C. 20004-1206
(202) 942-5000 telephone
(202) 942-5999 facsimile

Correspondence Address:
MONSANTO COMPANY
800 N. Lindbergh Blvd.
Mailzone E2NA
St. Louis, MO 63167
(314) 694-3602 telephone
(314) 694-9009 facsimile

COPY

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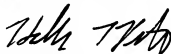
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Alexandria, VA 22313-1450

Sir:

I, **Scott ANDERSEN**, residing in St. Louis, MO, hereby state that the inventorship error in the above-referenced provisional application occurred without deceptive intention on my part.

Scott Andersen
Scott ANDERSEN, Ph.D.

2-27-07
Date

Substitute Combined Declaration and Power of Attorney for Patent Application

Docket Number: 16517.311

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **Recombinant Polypeptides Associated with Plants**, the specification of which is attached hereto unless the following box is checked:

☒ was filed on January 29, 2004;
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was amended on 3/2/2004; 7/24/2006; 11/2/2006 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/202,213
(Application No.)

May 8, 2000
(Filing Date)

(Application No.)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner

provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

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<u>09/304,517</u> (Application No.)	<u>May 6, 1999</u> (Filing Date)	<u>Abandoned</u> (Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

practitioners of Customer No.

66057


Send Correspondence to:

Customer No.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: David K. KOVALIC	
Inventor's signature	Date
Residence	Clayton, Missouri
Citizenship	US
Post Office Address	39 Hillvale Drive, Clayton, Missouri 63105, USA
Full name of second inventor: Yihua ZHOU	
Inventor's signature	Date
Residence	Ballwin, Missouri
Citizenship	US
Post Office Address	1016 Westrun Drive, Ballwin, Missouri 63021, USA
Full name of third inventor: Yongwei CAO	
Inventor's signature	Date
Residence	Chesterfield, Missouri
Citizenship	CN
Post Office Address	16796 Baxter Pointe Court, Chesterfield, Missouri 63005, USA

Full name of fourth inventor: Scott E. ANDERSEN	
Inventor's signature 	Date 2-27-07
Residence	St. Louis, Missouri
Citizenship	US
Post Office Address	1036 Fashion Square, St. Louis, Missouri 63146, USA
Full name of fifth inventor: Michael D. EDGERTON	
Inventor's signature	Date
Residence	St. Louis, Missouri
Citizenship	US
Post Office Address	431 Westgate Avenue, St. Louis, Missouri 63130, USA
Full name of sixth inventor: Jingdong LIU	
Inventor's signature	Date
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Post Office Address	2200 Sycamore Drive, Chesterfield, Missouri 63017, USA

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, **Michael EDGERTON**, residing in St. Louis, MO, hereby state that the inventorship error in the above-referenced provisional application occurred without deceptive intention on my part.



Michael EDGERTON

27 Feb 2007

Date

Substitute Combined Declaration and Power of Attorney for Patent Application

Docket Number: 16517.311

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Inventor's signature 	Date 29 Mar 2007
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Sir:

I, **Jingdong LIU**, residing in Ballwin, MO, hereby state that the inventorship error in the above-referenced provisional application occurred without deceptive intention on my part.



Jingdong LIU

Date

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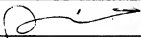
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I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/202,213
(Application No.)

May 8, 2000
(Filing Date)

(Application No.)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner

provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>09/684,016</u> (Application No.)	<u>October 10, 2000</u> (Filing Date)	<u>Pending</u> (Status - patented, pending, abandoned)
<u>09/654,617</u> (Application No.)	<u>September 5, 2000</u> (Filing Date)	<u>Abandoned</u> (Status - patented, pending, abandoned)
<u>09/850,147</u> (Application No.)	<u>May 8, 2001</u> (Filing Date)	<u>Abandoned</u> (Status - patented, pending, abandoned)
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<u>09/304,517</u> (Application No.)	<u>May 6, 1999</u> (Filing Date)	<u>Abandoned</u> (Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

practitioners of Customer No.

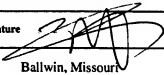
66057

Send Correspondence to:

Customer No.

66057

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: David K. KOVALIC	
Inventor's signature	Date
Residence	Clayton, Missouri
Citizenship	US
Post Office Address	39 Hillvale Drive, Clayton, Missouri 63105, USA
Full name of second inventor: Yihua ZHOU	
Inventor's signature 	Date 3-9-07
Residence	Ballwin, Missouri
Citizenship	US
Post Office Address	1016 Westrun Drive, Ballwin, Missouri 63021, USA
Full name of third inventor: Yongwei CAO	
Inventor's signature	Date
Residence	Chesterfield, Missouri
Citizenship	CN
Post Office Address	16796 Baxter Pointe Court, Chesterfield, Missouri 63005, USA

Full name of fourth inventor: Scott E. ANDERSEN	
Inventor's signature	Date
Residence	St. Louis, Missouri
Citizenship	US
Post Office Address	1036 Fashion Square, St. Louis, Missouri 63146, USA
Full name of fifth inventor: Michael D. EDGERTON	
Inventor's signature	Date
Residence	St. Louis, Missouri
Citizenship	US
Post Office Address	431 Westgate Avenue, St. Louis, Missouri 63130, USA
Full name of sixth inventor: Jingdong LIU	
Inventor's signature	Date
Residence	Chesterfield, Missouri
Citizenship	US
Post Office Address	2200 Sycamore Drive, Chesterfield, Missouri 63017, USA

Substitute Combined Declaration and Power of Attorney for Patent Application

Docket Number: 16517.311

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **Recombinant Polypeptides Associated with Plants**, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on January 29, 2004;
as United States Application Number 10/767,701; and
was amended on 3/2/2004; 7/24/2006; 11/2/2006 (if applicable).

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